

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Bankruptcy Case No. 24-22746-GLT
Tammy L. Straughn,)
Debtor,) Chapter 13
)
Deutsche Bank National Trust) Related to Doc. Nos. 35-34
Company, as Trustee for Morgan)
Stanley ABS Capital I Inc. Trust) Hearing Date: 08/07/25 @ 10:00 a.m.
2004-HE4, Mortgage Pass-Through)
Certificates, Series 2004-HE4, its) Responses Due: 07/21/25
successors and/or assigns,)
Movant,)
vs.)
Tammy L. Straughn and)
Ronda J. Winnecour, Trustee,)
Respondents.) Document No.

RESPONSE TO MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4, ITS SUCCESSORS AND/OR ASSIGNS FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001

AND NOW, comes the Debtor and Debtor-in-Possession, Tammy L. Straughn, by and through her counsel of record, Calaiaro Valencik, and respectfully files this Response to Motion of Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2004-HE4, Mortgage Pass-Through Certificates, Series 2004-HE4, its Successors and/or Assigns for Relief from the Automatic Stay Under Section 362 Pursuant to Bankruptcy Procedure Rule 4001, and presents the following in support:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as stated. The Debtor is retaining her residence. Select Portfolio is

the listed mortgage in that plan and that mortgage is scheduled to be cured. The interim

plan was confirmed, and the Chapter 13 trustee has not made any payments to the mortgagee. The Movant filed an objection to the plan, but an interim order authorizing distribution of payments was entered on January 23, 2025. The Debtor had a temporary reduction in income. She has obtained a second job. The Debtor will start making payments to the Chapter 13 Trustee and she will bring the plan current. There is no basis for the mortgagee to file a foreclosure action.

5. The Debtor requests an accounting of the amounts claimed.

6. Admitted. The Debtor had a temporary reduction in income. She has obtained a second job. The Debtor will start making payments to the Chapter 13 Trustee and she will bring the plan current.

7. Admitted.

8. The Movant has an agreement which authorizes attorney's fees.

9. Admitted. This amount will have to be cured in the plan.

10. Admitted.

11. Admitted.

12. Denied. There were several junior liens which the Debtor filed an adversary to avoid these subordinate liens under 11 U.S.C §506 at Adversary Case No. 25-02005-GLT. The Court entered a Default Order on May 13, 2025, avoiding the liens of First National Bank of Pennsylvania; Triangle Gasoline Company of Butler; Commonwealth of Pennsylvania, Department of Revenue; and Keystone Spring Service, Inc.

13. The Bankruptcy stayed any action by the creditor.

14. Denied; this property is the Debtor's residence, and it is necessary to her reorganization. The Debtor is willing to enter into a Consent Order, which adequately

protects the Movant, to pay the monthly principal, interest and impound payment monthly; and to cure the arrearage(s) over the life of the plan.

15. Denied. The Debtor will cure the arrearage and make monthly payments through the chapter 13 case. This stream of payments will adequately protect the Movant, therefore, there is no basis for relief.

16. It is admitted that Select Portfolio services the mortgage and that Deutsche Bank is the holder of the obligation.

17. Paragraph 17 is a legal conclusion and a reservation of rights. The Debtor reserves her right to contest the fees of the Movant.

WHEREFORE, the Debtor, Tammy L. Straughn, respectfully requests that this Honorable Court deny the Motion of Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital Inc. Trust 2004-HE4, Mortgage Pass-Through Certificates, Series 2004-HE4, its Successors and/or Assigns for Relief from the Automatic Stay Under Section 362 Pursuant to Bankruptcy Procedure Rule 4001.

Respectfully Submitted,

DATED: July 17, 2025

CALAIARO VALENCIK

BY: /s/ Donald R. Calaiaro
Donald R. Calaiaro, Esq. PA I.D. No. 27538

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CERTIFICATE OF SERVICE of Response to Motion of Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2004-HE4, Mortgage Pass-Through Certificates, Series 2004-HE4, its Successors and/or Assigns for Relief from the Automatic Stay Under Section 362 Pursuant to Bankruptcy Procedure Rule 4001

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on July 17, 2025.

SERVICE BY FIRST-CLASS MAIL:

Tammy L. Straughn, 637 Branchton Road, Slippery Rock, PA 16057

SERVICE BY NEF:

Denise Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2004-HE4, Mortgage Pass-Through Certificates, Series 2004-HE4;

dcarlon@kmlawgroup.com

Office of the United States Trustee; ustregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour; cmecf@chapter13trusteedpa.com

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was: First-Class Mail or Electronic Notification.

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the names and addresses of parties served by electronic notice will be listed under the heading "Service by Electronic Notification," and those served by mail will be listed under the heading "Service by First-Class Mail."

[SIGNATURE ON NEXT PAGE]

Executed on: July 17, 2025

CALAIARO VALENCIK

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